

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

TOM STANLEY, JR.,)	
)	
Plaintiff,)	
)	
-vs-)	Case No. CIV-16-0619-F
)	
ROBERT BALOGH,)	
)	
Defendant.)	

ORDER

Plaintiff Tom Stanley, Jr., a state prisoner appearing *pro se* and *in forma pauperis*, brings this action pursuant to 42 U.S.C. § 1983 alleging deliberate indifference to his pain in violation of the Eighth Amendment.


In Magistrate Judge Bernard M. Jones' Report and Recommendation of December 11, 2017 (doc. no. 42, the Report), the magistrate judge recommends that the court grant defendant's motion for summary judgment (doc. no. 36) based on plaintiff's non-exhaustion of administrative remedies and failure to demonstrate deliberate indifference in violation of the Eighth Amendment.

The Report advises the parties that any objection to the Report must be filed by January 2, 2018, and that failure to make timely objection waives the right to appellate review of the factual and legal issues addressed in the Report. No objection to the Report has been filed and there has been no request for an extension of time within which to do so.¹

¹ The copy of the Report which was sent to plaintiff at his record address was returned to the court as undeliverable (marked "Return to Sender," "Unable to Forward"). Doc. no. 43.

Having reviewed the detailed Report, and with no objection to the Report having been filed, the court finds that it concurs in the recommended rulings as stated in the Report and that no additional discussion is necessary here. The Report (doc. no. 42) is **ACCEPTED, ADOPTED** and **AFFIRMED**. As recommended in the Report, defendant's motion for summary judgment (doc. no. 36) is **GRANTED** based on plaintiff's non-exhaustion of administrative remedies and failure to demonstrate deliberate indifference in violation of the Eighth Amendment.

IT IS SO ORDERED this 3rd day of January, 2018.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE